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Attorneys for Defendant

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

REBECCA SPARKS,)	CIVIL NO.: 4:21-cv-01761-KAW
Plaintiff,)	
vs.)	STIPULATION AND ORDER FOR
KILOLO KIJAKAZI,)	AN EXTENSION OF TIME TO
Acting Commissioner of Social Security,)	FILE DEFENDANT’S CROSS-
Defendant.)	MOTION FOR SUMMARY
)	JUDGMENT AND OPPOSITION TO
)	PLAINTIFF’S MOTION FOR
)	SUMMARY JUDGMENT

The parties stipulate through counsel that Defendant, the Acting Commissioner of Social Security (the “Commissioner”), shall have a first extension of time to file her cross-motion for summary judgment and opposition to Plaintiff’s motion for summary judgment in this case. In support of this request, the Commissioner respectfully states as follows:

1. Primary responsibility for handling this case has been delegated to the Office of the Regional Chief Counsel, Region IX, in San Francisco, California (the “Region IX Office”).
2. Defendant’s cross-motion for summary judgment is currently due November 22, 2021. Defendant has not requested an extension of time for this deadline.
3. The Region IX Office currently handles all district and circuit court litigation involving the Social Security program arising in Arizona, California, Hawai‘i, Nevada, and Guam.
4. The Region IX Office employs 44 staff attorneys, of whom 30 are actively handling civil

1 litigation involving the Social Security program in the eight assigned jurisdictions. Most of the
2 attorneys who handle program litigation cases have additional responsibilities, such as litigating in other
3 practice areas described below, acting as Jurisdictional leads, reviewing the work product of junior
4 attorneys, conducting trainings, and participating in national workgroups. In addition, because of
5 attorneys taking unexpected leave or resigning, the Region IX Office has had to re-assign dozens of
6 cases and substitute in new counsel who have had to absorb these re-assigned cases into their existing
7 caseloads.
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9 5. As of September 14, 2021, the Region IX Office had 404 district court briefs due in the
10 next sixty days in the jurisdictions it handles; at least 300 of these were due in the next thirty days. In
11 addition, the Region IX Office has nine appellate cases pending for briefing.

12 6. In addition to “program” litigation, the Region IX Office provides a full range of legal
13 services as counsel for the Social Security Administration, in a region that covers four states (including
14 the most populous state in the nation) and three territories. These other workloads include employment
15 litigation; civil rights investigations; bankruptcy matters; and requests for legal advice on wide-ranging
16 topics, including Regional office client requests for advice on program issues, employee conduct and
17 performance, reasonable accommodation, hostile work environment, ethics, Privacy Act and disclosure,
18 and torts. Because of the high volume of program litigation cases, the Region IX Office has had to
19 focus its efforts on processing only other workloads that are subject to statutory, regulatory, and court
20 deadlines.

21 7. The undersigned attorney has 33 briefs due in district court cases over the next month, as
22 well as program litigation case review.

23 8. Due to the volume of the overall workload within the Region IX Office, neither the
24 undersigned attorney nor another attorney in the Region IX Office anticipate being able to complete
25 briefing by the current due date. Therefore, Defendant seeks an extension of 60 days, until January 21,
26 2022, to file her cross-motion for summary judgment.

27 9. This request is made in good faith and is not intended to delay the proceedings in this
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1 matter.

2 WHEREFORE, Defendant requests until January 21, 2022, to file her cross-motion for summary
3 judgment.
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5 Respectfully submitted,

6 Dated: November 19, 2021

LAW OFFICE OF KATHERINE SIEGFRIED

7 By: /s/ Lynn Harada for Katherine Siegfried*
8 KATHERINE SIEGFRIED
9 Attorney for Plaintiff
10 (*by email authorization)

11 Dated: November 19, 2021

STEPHANIE HINDS
Acting United States Attorney

12 By: /s/ Lynn Harada
13 LYNN HARADA
14 Special Assistant United States Attorney

15 Attorneys for Defendant
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18 ORDER

19 Pursuant to stipulation, it is so ordered.

20 DATE: 11/22/2021


21 HON. KANDIS A. WESTMORE
22 UNITED STATES MAGISTRATE JUDGE
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